

## Article - Public Safety

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§13A–802.

(a) (1) The punishment which a court–martial may direct for an offense may not exceed such limits as prescribed by this title, but in no instance may a sentence exceed more than 10 years for a military offense, nor may a sentence of death be adjudged.

(2) (i) A conviction by general court–martial of any military offense for which an accused may receive a sentence of confinement for more than 1 year is a felony offense.

(ii) Except for convictions by a summary court–martial, all other military offenses are misdemeanors.

(3) A conviction by a summary court–martial is not a criminal conviction.

(b) The limits of punishment for violations of the punitive provisions prescribed herein shall be lesser of the sentences prescribed by the Manual for Courts–Martial of the United States in effect on January 1, 2020, but in no instance shall any punishment exceed that authorized by this title.

(c) (1) In sentencing an accused under § 13A–718 of this title, a court–martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration:

(i) the nature and circumstances of the offense and the history and characteristics of the accused;

(ii) the impact of the offense on:

1. the financial, social, psychological, or medical well–being of any victim of the offense; and

2. the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

(iii) the need for the sentence:

1. to reflect the seriousness of the offense;
2. to promote respect for the law;
3. to provide just punishment for the offense;
4. to promote adequate deterrence of misconduct;
5. to protect others from further crimes by the accused;
6. to rehabilitate the accused; and
7. to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service; and

(iv) the sentences available under this title.

(2) (i) In announcing the sentence in a general or special court-martial in which the accused is sentenced by a military judge alone under § 13A-718 of this title, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any.

(ii) If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

(3) In a general or special court-martial in which the accused has elected sentencing by members, the court-martial shall announce a single sentence for all of the offenses of which the accused was found guilty.

(d) (1) With the approval of the senior judge advocate concerned, and consistent with standards and procedures set forth in regulations prescribed by the Adjutant General, the Government may appeal a sentence to the Court of Military Appeals, on the grounds that:

(i) the sentence violates the law; or

(ii) the sentence is plainly unreasonable, as determined in accordance with standards and procedures prescribed by the Manual for Courts-Martial or regulations authorized under § 13A-701 of this title.

(2) An appeal under this subsection must be filed within 60 days after the date on which the judgment of a court–martial is entered into the record under § 13A–902 of this title.

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